

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
See form PCT/ISA/220

International application No.
PCT/GB2004/004440

International filing date (day/month/year)
20.10.2004

Priority date (day/month/year)
21.10.2003

International Patent Classification (IPC) or both national classification and IPC
B29C37/00, B29C39/10, B29C39/22

Applicant
NOVEIRGO LTD

FOR FURTHER ACTION
See paragraph 2 below

1 This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the International application
- Box No. VIII Certain observations on the international application

2 FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx. 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Alink, M

Telephone No. +49 89 2399-6076



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/GB2004/00440**Box No. I Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23 1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/GB2004/004440**Box No. II Priority**

1.] The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2.] This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3.] It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

4. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/GB2004/004440**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

the entire international application,
 claims Nos. 24, 25

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 the description, claims or drawings (indicate particular elements below) or said claims Nos. are so unclear that no meaningful opinion could be formed (specify):
 the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 no international search report has been established for the whole application or for said claims Nos. 24, 25
 the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished
 does not comply with the standard

the computer readable form

has not been furnished
 does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

See separate sheet for further details

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/GB2004/004440

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-22
	No: Claims	23
Inventive step (IS)	Yes: Claims	
	No: Claims	1-23
Industrial applicability (IA)	Yes: Claims	1-23
	No: Claims	

2. Citations and explanations**see separate sheet****BEST AVAILABLE COPY****BEST AVAILABLE COPY**

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2004/004440

Re Item V.

1 The following documents are referred to in this communication:

D1 : WO 98/58788 A (MOVEVIRGO LIMITED; FROST, IRA, NORMAN;
WILKINSON, STEPHEN, JOHN) 30 December 1998 (1998-12-30)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

2.1.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses all the features of claim 1 with the exception that in D1 the attachment means is not provided with an irregular surface in contact with the material (cf. D1, page 9, line 15 - page 10, line 5)

2.1.2 The subject-matter of independent claim 1 is therefore new in the sense of Article 33(2) PCT.

2.1.3 The problem to be solved by the present invention may therefore be regarded as

To improve the adherence between the attachment and the moulding material during curing (cf. this application, page 8, third paragraph)

2.1.4 The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The application of an irregular surface to improve the adhesion between an insert and the moulding material is a common knowledge to the skilled men and applied accordingly in the state of the art (see the several documents cited in

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the search report). The application of a commonly applied solution for a commonly known problem can not lead to subject matter being inventive in the sense of Article 33(3) PCT.

3 INDEPENDENT CLAIM 23

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 23 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

The apparatus as searched protection for in claim 23 is identical to the one as disclosed by D1. It is noted that the use of an apparatus is not a feature of the apparatus *per se* and can therefore not be used to distinguish an apparatus from the prior art.

4 DEPENDENT CLAIMS 2-22,

Dependent claims 2-22 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT).

It is noted that the current application in claims 4-10 refer to all commonly known irregular surface structures to improve bonding between an insert and moulding material. It seems therefore, that none of the subject matter of claims 4-10 can lead to subject matter being inventive in the sense of Article 33(3) PCT since any of the suggested irregular surfaces in the dependent claims 4-10 will solve the problem underlying the current application. Reference is further made to the search report for the relevant prior art for the various claims.

5. The following is noted too:

(a) The term *Velcro* employed in claim 9 and appearing to be a registered trade mark has no precise meaning as it is not internationally accepted as standard descriptive term, thereby rendering the definition of the subject-matter of this claim unclear, Article 6 PCT.

**WRITTEN OPINION OF THE
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- (b) Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
- (c) Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- (d) The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- (e) It appears that claim 18 is depending on claim 18 and claim 22 on 19 (Rule 6.4 PCT).